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December 5, 2021

The Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Letter Motion
Continuance of Sentence Date

RE: United States v. Judon McBride, 20 Cr. 363 (PKC)

Your Honor:

I am writing this motion to request an adjournment of the sentencing date and the dates for submitting sentencing submissions.

As Your Honor knows, I was appointed to replace prior counsel in this case on November 9, 2021 without my having been in the Courtroom or meeting the client at that time.

On my CJA intake date I was assigned to a large number of cases, and I have had a great deal of difficulty managing all of them along with the other cases I already am working on, which include two that are scheduled for trial early next year. I have done my best to meet the client and try to ascertain what transpired in the case before I was assigned, but there is much more I need to do to be ready for sentence. I understand that this case was tried before a jury, and therefore I will need to review the entire trial transcript. The prior attorneys (the Federal Defender Office) just got me a “drive” with case documents on it a few days ago, but I have not had time to review what is in it. I have met with the client at the jail, but will need to do so again, probably a few more times. I was not aware until this past Friday that there was a date for submission of a Pre-Sentence Memorandum by the defendant which had already passed.

Therefore I am asking that the sentence be postponed until the middle of February. I expect to finish a trial which starts on January 24, 2022 (before Judge Gardephe) and should take at least two weeks, by February 10, 2022, and to start another trial (before Judge Ramos) on February 22, 2022, which will probably take at least three weeks. Therefore if a date between February 10 and February 18 is available, I should be available for the sentencing hearing during that time. I do not think I could be ready any time in January for the reasons stated above and because I will be preparing for the two trials.

I would propose that the defendant's sentencing memorandum be due two weeks prior to whatever the sentence date is, and that the government be given until one week prior to the sentence date.

I know that AUSA Matthew R. Shahabian has already filed a motion to postpone the government's submission deadline, and from that I understand that they understand that I need more time to be ready for the sentence and that they have no objection.

Thank you very much for Your Honor's attention to this request.

Sincerely,

/s/ Thomas H. Nooter

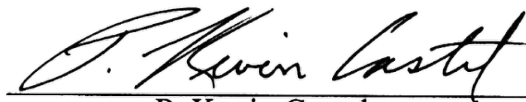
Thomas H. Nooter
Attorney for Defendant

cc: AUSA Matthew Shahabian, by ECF

Sentencing is adjourned to March 22, 2022 at 11:00 a.m. Defendant's submissions due 14 days before sentencing and government's due 7 days before sentencing.

SO ORDERED.

Dated: 12/6/2021


P. Kevin Castel
United States District Judge